Appl. No. 10/562,872   **Page 1 of 9**
Reply Brief in Response to
Examiner's Answer of 31 March 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.   : **10/562,872**

Applicant   : **FROIDCOEUR et al.**

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Examiner   : **HUSSAIN, Farrukh**

Atty. Docket   : **NL030821US**

Title: **EMBEDDING A UPNP AV MEDIASERVER OBJECT ID IN A URI**

Mail Stop: **APPEAL BRIEF - PATENTS**
Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR 41.41

Sir:

  This is a Reply Brief in response to the Examiner's answer dated 31 March 2011 in the subject application.

RESTATEMENT OF GROUNDS OF REJECTION

  Claims 13-18 and 20-21 stand rejected under 35 U.S.C. 101.

  Claims 1-3, 5-7, 9-11, 13-18, and 20-27 stand rejected under 35 U.S.C. 103(a) over Weast (USP 7,454,511) and Salmonsen et al. (USPA 2003/0220781, hereinafter Salmonsen).

  Claims 4, 8, and 12 stand rejected under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh et al. (USP 7,065,574, hereinafter Saulpaugh).

Appl. No. 10/562,872   **Page 2 of 9**
Reply Brief in Response to
Examiner's Answer of 31 March 2011

REMARKS REGARDING EXAMINER' ANSWER
Claims 13-18 and 20-21 stand rejected under 35 U.S.C. 101

In claim 13, the applicants claim a device comprising a UPnP interface, a renderer that renders content received from a media server, and a controller that controls reception of the content from the media server and receives a URI via the UPnP interface from an external UPnP Control Point.

The Examiner asserts that the applicants' claimed interface, renderer, and controller "could be interpreted as software. There is nothing in the specification [that] would lead one to believe that an interface, a renderer, and a controller is a hardware." (Answer, page 19, lines 9-11.) This assertion is incorrect.

In the applicants' specification, and in the claims, the applicants specifically recite that the interface is used to receive information from an external UPnP Control Point. Software per se cannot receive information from an external device. Absent a physical element that couples the applicants' device to the external UPnP Control Point, the claimed URI cannot be received by the applicants' device.

In like manner, the applicants' specification and claims specifically recite that the renderer renders content that is received from a media server. Software alone cannot render content. Absent a physical element that transforms the received content into a perceivable output form, the claimed renderer cannot perform the disclosed and claimed function of rendering the received content.

Similarly, the applicants' specification and claims specifically recite that the controller controls reception of the content from the media server. Software alone cannot control anything, and specifically cannot control reception of content from a media server. In order to control reception, the controller must, in some physical manner, communicate a signal to a physical element that is configured to receive the content. Only physical elements can communicate signals to other physical elements; accordingly, the applicants' controller must be embodied as a physical element in order to perform its controlling function.

Appl. No. 10/562,872   Page 3 of 9
Reply Brief in Response to
Examiner's Answer of 31 March 2011

Further, the Examiner asserts that:

"Examiner respectfully submits that applicants' disclosure (page 1, lines 17-20) reciting "UPnP allows non-IP devices to be proxied by a software component *running on IP-compliant devices*. Such a component, called Controlled Device (CD) proxy, is responsible for translation and forwarding of UPnP interactions to the proxied device" provides intrinsic evidence that the device of claim 13 is intend[ed] to cover "software", functionally descriptive material." (Answer, page 19, lines 12-17, emphasis added.)

The applicants respectfully maintain that this assertion is self-contradictory. As the Examiner states, the applicants clearly disclose that the software is "*running on IP-compliant devices*" when it performs its intended function. In order for software to be "running" on a device, the device must include a machine that is able to execute the software code.

Because it is impossible for software alone to perform the functions of the applicants' claimed interface, renderer, and controller, as asserted by the Examiner, the applicants respectfully maintain that the rejection of claims 13-18 and 20-21 under 35 U.S.C. 101 is unfounded, and should be reversed by the Board.

Claims 1-3, 5-7, 9-11, 13-18, and 20-27 stand rejected under
35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 1-3, 5-7, and 9-11

The method of claim 1, upon which claims 2-8 depend, includes enabling a UPnP-compliant Media Renderer-Control Point combination to receive a URI representative of a Content Directory Service (CDS) description. Similarly, claim 9, upon which claims 10-12 depend, includes processing a URI representative of a CDS description.

The Examiner is correct in noting that claim 1 does not state that this URI representation of a CDS description is received from a UPnP Control Point, as stated in the applicants' Brief (Answer, page 20, lines 5-7). However, the fact remains that the combination of Weast and Salmonsen fails to disclose a URI representation of a CDS description.

Appl. No. 10/562,872   **Page 4 of 9**
Reply Brief in Response to
Examiner's Answer of 31 March 2011

The Examiner cites Salmonsen [0123], lines 1-15 to support the assertion that Salmonsen discloses a URI representation of a CDS description. At the cited text, Salmonsen discloses a media directory that may be said to be functionally equivalent to a UPnP Content Directory Service. Salmonsen's media directory includes URIs that identify content resources: the "media directory 518 holds URIs of all files that the server 500 can deliver for rendering" (Salmonsen [0123], lines 13-14).

Salmonsen does not disclose a URI that is representative of a description of the media directory 518. The Examiner asserts that:

> "when the media directory stores URI that identify the content resources, that identification is the description of the media directory" (Answer, page 20, lines 14-16).

This assertion finds no support in Salmonsen, and is contrary to a conventional understanding of a media directory. A media directory does not generally contain a description of itself, and nowhere in Salmonsen does Salmonsen disclose creating a description of the media directory and nowhere in Salmonsen does Salmonsen disclose creating a URI representation of this [non-existent] description of the media directory.

Throughout Salmonsen, and as cited repeatedly in the Answer, Salmonsen's URIs identify the content material, and these URIs are stored in the media directory. As specifically acknowledged by the Examiner:

> "The examiner would like to further state that the media content includes Uniform Resource Identifiers (URIs) that *identify content* resources in the media directory" (Answer, page 20, last line – page 21, line 2, emphasis added).

The Examiner's references to the URIs that identify content resources are immaterial to the applicants' claimed URI that identifies directory resources. Content resources and directory resources are not synonymous, or even similar. A content URI identifies the location of a renderable content item; the claimed directory URI identifies the location of an index to a set of content URIs. "The CDS description URI enables a CP [Control Point] to receive all necessary information to *browse* the MS [Media Server]" (Specification, page 5, lines 30-31, emphasis added). None of Salmonsen's content URIs enable a control point to browse the contents of a media server; receipt of a

Appl. No. 10/562,872   Page 5 of 9
Reply Brief in Response to
Examiner's Answer of 31 March 2011

content URI merely enables a control point to access the individual content item identified by that URI.

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggest a URI representative of a Content Directory Service description, and only identifies where the combination teaches a URI representative of renderable, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 1-3, 5-7, and 9-11 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 13-18 and 20-21

Claim 13, upon which claims 14-18 and 20-21 depend, includes a controller that is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content at the media server, and to control selection of at least one subsequent item of the content based on the content directory.

As noted above, the combination of Weast and Salmonsen fails to teach or suggest a URI for receiving a content directory from a media server. In response to the applicants' arguments, the Examiner cites references to Salmonsen that address URIs of content material:

> "see Salmonsen, paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify *content* resources and see paragraph 0088, lines 1-20, The test interface controller 430 is coupled to a test interface 448 and supports external bus interface request and see paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media *content* in a non-native format and see Weast, column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment." (Answer, page 22, lines 6-14, emphasis added.)

It is significant to note that nowhere in the above cited text does the Examiner identify a URI for receiving a content directory.

Appl. No. 10/562,872   Page 6 of 9
Reply Brief in Response to
Examiner's Answer of 31 March 2011

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests a URI for receiving a content directory from a media server, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 13-18 and 20-21 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 22-27

The method of claim 22, upon which claims 23-27 depend, includes receiving an identification of a content item and a URI corresponding to a context of the content item within a media server from an external controller, receiving the content item and the context, rendering the content item, determining a subsequent content item based on the context, and rendering the subsequent content item.

The combination of Weast and Salmonsen fails to teach or suggest receiving a URI corresponding to a context of the content item within a media server from an external controller.

The Examiner again cites references to Salmonsen that address URIs that identify content resources; the Examiner fails to identify where either Salmonsen or Weast disclose a URI corresponding to a context of a received content item.

The Examiner asserts that Weast discloses receiving the context of the content item based on such a URI at column 7, lines 25-28 (Examiner's Answer, page 23, lines 15-16). This assertion is incorrect. At the cited text, Weast discloses:

> "In alternate embodiments, rendering of media contents 132 may be initiated via other techniques, e.g. through a context menu provided in response to a right click of a cursor control device" (Weast, col. 7, lines 25-28).

As is clearly evident, nowhere in this cited text does Weast address a URI, and in particular, nowhere in the cited text does Weast address receiving the context of the content item based on such a [non-existent] URI, as asserted by the Examiner.

Appl. No. 10/562,872   **Page 7 of 9**
Reply Brief in Response to
Examiner's Answer of 31 March 2011

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests a URI corresponding to a received content item, and has failed to identify where the combination of Weast and Salmonsen teaches or suggest receiving the context based on a URI, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 22-27 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 2, 6, 10, 20, and 22-27

Claim 2 includes receiving the URI representative of a CDS description together with an objectID representative of a content item. Claims 6, 10, 20, and 22-27 include similar features.

The Examiner asserts that Salmonsen discloses this feature:

"see Salmonsen, paragraph 0123, lines 1-15, The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0105, lines 1-15, object block (VaB) transcoder and the virtual content file manager" (Answer, page 24, lines 9-12).

As is clearly evident, the Examiner's Answer does not address receiving a URI of a CDS description together with an objectID representative of a content item.

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests receiving a URI of a CDS description together with an objectID representative of a content item, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 2, 6, 10, 20, and 22-27 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 3-4, 7-8, 11-12, and 21

Claims 3-4 and 7-8 include providing a ProtocolInfo string referring to the content item and organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol. Claims 11-12 and 21 include similar features.

The Examiner asserts that Salmonsen discloses this feature:

Appl. No. 10/562,872   **Page 8 of 9**
Reply Brief in Response to
Examiner's Answer of 31 March 2011

"see Salmonsen, paragraph 0035, lines 1-12, selected content flows from the source 110 to the sink 112 using a suitable transfer protocol 116" (Answer, page 25, lines 12-14).

As is clearly evident, the Examiner's Answer fails to address a ProtocolInfo string referring to a content item and organization context.

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests providing a ProtocolInfo string referring to the content item and organizational context, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 3-4, 7-8, 11-12, and 21 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 13-18, 20-21, and 24

Claims 13-18, 20-21, and 24 specifically recite that the URI corresponding to the content directory is received from a UPnP Control Point.

The Examiner asserts that Salmonsen provides this teaching and repeats the argument cited above with regard to claims 13-18 and 20-21 (Answer, page 26, lines 1-9). As noted above, at the text cited by the Examiner, Salmonsen does not address a URI corresponding to the media/content directory.

Further, at the cited text in the Answer, the Examiner does not identify where Salmonsen discloses receiving such a URI from a UPnP Control Point.

Because the Examiner has failed to identify where the combination of Weast and Salmonsen teaches or suggests that the URI corresponding to the content directory is received from a UPnP Control Point, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 13-18, 20-21, and 24 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Appl. No. 10/562,872   Page 9 of 9
Reply Brief in Response to
Examiner's Answer of 31 March 2011

Claims 4, 8, and 12 stand rejected under 35 U.S.C. 103(a)

over Weast, Salmonsen, and Saulpaugh.

Claims 4, 8, and 12

Claims 4, 8, and 12 are dependent upon claims 1 and 9, and in this rejection the Examiner relies on the combination of Weast and Salmonsen for disclosing the elements of claims 1 and 9. As noted above, the combination of Weast and Salmonsen fails to teach each of the elements of claims 1 and 9.

CONCLUSIONS

Because the applicants' claimed device cannot comprise only software, as asserted by the Examiner, the Applicant respectfully requests that the Examiner's rejection of claims 13-18 and 20-21 under 35 U.S.C. 101 be reversed by the Board, and the claims be allowed to pass to issue.

Because the combination of Weast and Salmonsen fails to teach or suggest a URI representative of a CDS description, or a content directory, or a context, the Applicant respectfully requests that the Examiner's rejections of claims 1-18 and 20-27 under 35 U.S.C. 103(a) be reversed by the Board, and the claims be allowed to pass to issue.

Respectfully submitted,

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